IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

RFA.No. 523 of 2005()

OS.17/2002 of SUB COURT, THIRUVALLA
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APPELLANTS/PLAINTIFFS IN THE COURT BELOW
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1. INTERNATIONAL GARDEN SQUARE APARTMENT OWNERS ASSOCIATION,PUSHAPAGIRI HOSPITAL ROAD,THIRUVALLA,REP. BY ITS PRESIDENT,M.C.CHACKO,50 YEARS, ROOM NO.303,INTERNATIONAL GARDEN SQUARE APARTMENT, PUSHPAGIRI HOSPITAL ROAD,THIRUVALLA,PATHANAMTHITTA DISTRICT.

2. SHAJI.K.MATHEW THOMAS,40 YEARS,S/O.K.M. THOMAS,FLAT NO.603,INTERNATIONAL GARDEN SQUARE APARTMENT,REP. BY HIS POWER OF ATTORNEY HOLDER SHERLY MATHEW,37 YEARS,W/O.SHAJI.K.MATHEW THOMAS, FLAT NO.603,INTERNATIONAL GARDEN SQUARE APARTMENTS PUSHPAGIRI HOSPITAL ROAD, THIRUVALLA.

3. SHERLY MATHEW, 37 YEARS,
W/O.SHAJI.K.MATHEW THOMAS,
FLAT NO.603, INTERNATIONAL GARDEN SQUARE APRTMENTS
PUSHPAGIRI HOSPITAL ROAD,
THIRUVALLA.

4. GEORGE MATHEW,52 YEARS,S/O.K.P.GOERGE,
FLAT NO.301,INTERNATIONAL GARDEN SQUARE APARTMENTS PUSHPAGIRI ROAD,THIRUVALLA,REP. BY HIS POWER OF ATTORNEY HOLDER MARY VARGHESE,48 YEARS,W/O.M.C.VARGHESE,FLAT NO.304,FLAT NO.603,INTERNATIONAL GARDEN SQUARE APARTS.,PUSHPAGIR HOSP.ROAD,THIRUVALLA.

5. M.C.VARGHESE,52 YRS.,S/O.K.C.CHACKO,
FLAT NO.304,INTERNATIONAL GARDEN SQUARE APARTMENT, PUSHPAGIRI ROAD,THIRUVALLA,REP. BY POWER OF ATTORNEY HOLDER MARY VARGHESE,AGED 48 YRS,W/O.M.C.VARGHESE,FLAT NO.304,FLAT.NO.603,INTERNATIONAL GARDEN SQUARE APRTMNTS.,PUSHPAGIRI HOSP.ROAD,THIRUVALLA.

6. MARY VARGHESE, 48 YEARS,
W/O.M.C.VARGHESE, FLAT NO.304,
INTERNATIONAL GARDEN SQUARE APARTMENTS,
PUSHPAGIRI ROAD, THIRUVALLA.

7. V.C.JOSEPH,AGED 70 YEARS,S/O.LATE MANY
CHERIAN,FLAT NO.601,OF INTERNATIONAL GARDEN SQUARE
APARTMENT,PUSHPAGIRI ROAD,THIRUVALLA:NOW RESIDING
AT 7- YAMUNA, MULANT (WEST) MUMBAI.

8. ALEYAMMA JOSEPH, AGED 63 YEARS,
W/O.V.C.JOSEPH, FLAT NO.601, OF INTERNATIONAL
GARDEN SQAURE APARTMENT,PUSHPAGIRI ROAD,
THIRUVALLA : NOW RESIDING AT 7- YAMUNA MULANT
(WEST) MUMBAI.

BY ADV. SRI.V.J.MATHEW
SRI.RAJESH PAUL
SRI.BIJISH B.TOM
SMT.BABY SONIA
SMT.NAVEENA ANTONY

RESPONDENTS: DEFENDANTS IN THE COURT BELOW
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1. T.O.JACOB, S/O.OOMMEN, AGED 69 YEARS,
THARAYASSERIL HOUSE, MEENTHALAKARA MURI,
KUTTAPPUZHA VILLAGE, THIRUVALLA TALUK.

2. JOY JACOB, W/O.T.O.JACOB,
AGED 67 YEARS, THARAYASSERIL HOUSE,
MEENTHALAKKARA MURI, KUTTAPPUZHA VILLAGE,
THIRUVALLA TALUK.

3. INTERNATIONAL REAL TORS PVT. LTD.,
THIRUVALLA REP. BY THE MANAGING DIRECTOR JERRY
JACOB, S/O.T.O.JACOB, AGED 40 YEARS, THARAYASSERIL
HOUSE, MEENTHALAKKARA MURI, KUTTAPPUZHA VILLAGE,
THIRUVALLA.

4. ESCOTEL MOBILE COMMUNICATIONS LTD.,
MUTHURA ROAD, NEW DELHI REP. BY ITS MANAGING
DIRECTOR.

5. DEPUTY GENERAL MANAGER,
ESCOTEL MOBILE COMMUNICATION LTD.,
MERCY ESTATE, RAVIPURAM, M.G.ROAD,
ERNAKULAM, COCHIN.

6. IDEA MOBILE COMMUNICATION LTD.,
(IDEA CELLA (P) LTD.),
SHRDA CENTRE, 11/1 ERUNDAWANE, OPPOSITE KARUE
ROAD, PUNE.

7. DEPUTY GENERAL MANAGER,
IDEA MOBILE COMMUNICATION LTD.,
MERCY ESTATE, RAVIPURAM, M.G.ROAD,
ERNAKULAM.

BY ADV. SRI.GOVIND K.BHARATHAN
SRI.MANU MOHAN
SRI.M.S.SARUN KUMAR
SRI.K.P.DANDAPANI
SRI.MILLU DANDAPANI

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON 02/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH & K.T.SANKARAN,JJ.

R.F.A.No.523 of 2005

Dated this the 2nd day of February, 2007

JUDGMENT

Kurian Joseph,J.

Despite several chances the defects have not been cured and the balance court fee also is not paid. Therefore, the appeal is rejected. The appellants will be entitled to refund of the court fee already paid in view of the Bench decision of this court in Jamal v.Mohammedkutty, 2003(3) KLT 803.

(KURIAN JOSEPH, JUDGE)

(K.T.SANKARAN, JUDGE)

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